

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**PAMELA MARTIN, SUSAN
CHANCELOT and FAY FREEMAN**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:06CV55BA

**MASSELLE & ASSOCIATES, INC.; MASELLE
SCHOOL OF REAL ESTATE, INC.; CENTURY
21 REAL ESTATE, LLC; CENDANT
CORPORATION and DAVE DAVIS**

DEFENDANTS

ORDER

This matter came before the court on the Defendants' Motion to Strike Plaintiff Martin's Expert Designation and Extend Defendants' Expert Designation Deadline. The basis of the Motion is the failure of that Plaintiff to fully designate her expert witnesses within the time permitted by the court, which had been previously extended to December 4, 2006. On that date, Plaintiff Martin served a Designation of Experts, but it was incomplete. In response to the Motion, the Plaintiff stated that she had not been able to meet with the experts in order to complete the designation. However, she further stated that she would be able to submit a complete designation within ten days of her response, which was filed on January 8, 2007.

Because striking an expert is an extreme sanction for a late designation and because the Plaintiff is willing to submit a complete designation at this time, the court will deny the Defendants' Motion. In so doing, the court will also extend the Defendants' deadline to designate experts, as was requested. There was no request to extend the discovery or motion deadlines; however, the court would entertain a request for a short extension of these deadlines, if it is necessary. Should the

Plaintiff fail to serve a complete designation within the short period of time that will be permitted by the court, no further extensions of that deadline will be granted.

IT IS, THEREFORE, ORDERED that the Defendants' Motion to Strike Plaintiff Martin's Expert Designation and Extend Defendants' Expert Designation Deadline is hereby **denied**. The Plaintiff shall serve a designation of experts in full compliance with Fed. R. Civ. P. 26(a)(2) and Unif. Local R. 26.1(A)(2) on or before January 24, 2007.

IT IS FURTHER ORDERED that the Defendants have until February 13, 2007, within which to complete their designation of experts.

IT IS SO ORDERED, this the 19th day of January, 2007.

S/Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE